

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:15-CV-01046
)	
Plaintiff,)	
)	JUDGE SOLOMON OLIVER, JR.
vs.)	
)	<u>MOTION TO APPROVE CLEVELAND</u>
CITY OF CLEVELAND)	<u>DIVISION OF POLICE EQUIPMENT &</u>
)	<u>RESOURCE PLAN</u>
Defendant.)	
)	
)	

Pursuant to Paragraphs 291 through 299 of the Consent Decree and the Revised Third-Year Monitoring Plan in the above-captioned matter, the City of Cleveland (the “City”), on behalf of the Cleveland Division of Police (“CDP” or “Division”), submitted an Equipment and Resource Plan (the “Plan,” “2018 Equipment and Resource Plan” or “2018 Plan”), attached hereto as Exhibit A.

The Monitoring Team has carefully reviewed the 2018 Equipment and Resource Plan. The Team has determined that it sufficiently identifies the Division’s strategic goals to strengthen its equipment and information technology (“IT”) platforms in a manner that will enhance the Division’s ability to promote officer and public safety. The 2018 Plan includes individual initiatives that will support those goals, with specific timelines and project owners to ensure that

the City and Division can implement the initiatives and can be held accountable to the contemplated work plans. The Monitoring Team therefore recommends that the Court approve the City's Equipment and Resource Plan.

I. SUMMARY OF CONSENT DECREE REQUIREMENTS REGARDING CDP EQUIPMENT AND RESOURCES

The Consent Decree requires that CDP “complete a comprehensive equipment and resource study to assess its current needs and priorities to perform the functions necessary for CDP to fulfill its mission and satisfy the requirements” of the Decree. Dkt. 7-1 ¶ 292. After completing that study, the City must “develop an effective, comprehensive Equipment and Resource Plan that is consistent with its mission and that will allow it to satisfy the requirements of this Agreement.” *Id.*

The Plan must “provide for necessary equipment including, at least . . . an adequate number of computers; an adequate number of operable and safe zone cars; zone cars with reliable, functioning computers that provide officers with up-to-date technology, including” mobile computer-aided dispatch, access to the Division's records management system, and access to law enforcement databases, and “zone cars equipped with first-aid kits” *Id.* at ¶ 293.

Further, the Plan must address how the Division will “satisfy the requirements of this Agreement,” including the Decree's many other substantive requirements. *Id.* at ¶ 292. For instance, the Decree elsewhere requires the Division to collect information and data about investigatory stops, *id.* at ¶¶ 160–75, and “calls and incidents involving individuals in crisis.” *Id.* at ¶ 157. The Division is required to “develop and implement a single, uniform, reporting system” to effectuate the Decree's use of force reporting requirements. *Id.* ¶ 87. There also are numerous requirements relating to electronic systems that will support Internal Affairs, the Training Review

Committee, the Force Review Board, the Officer Intervention Program, and the Data Collection and Analysis Coordinator. *Id.* at ¶ 188. “CDP supervisors” must “regularly use . . . data to evaluate the performance of CDP officers across all ranks, units, and shifts.” *Id.* at ¶ 327. All said, the Consent Decree’s substantive provisions necessitate a host of new or upgraded technologies, resources, and equipment.

Finally, the Plan must “ensure that CDP” both “properly maintains and seeks to continuously improve upon existing equipment and technology” and “is appropriately identifying equipment needs and seeking to utilize, as appropriate, emerging technologies.” *Id.*

II. PROCEDURAL HISTORY

In April 2016, the Division completed an initial Equipment & Resource Study to “assess its current needs and priorities to perform the functions necessary for [CDP] to fulfill its mission and satisfy” the terms of the Consent Decree. Dkt. 43-1 at 48. Based on the results of that study, the City prepared and submitted an Equipment and Resource Plan on November 25, 2016 (“2016 Plan”).

The Monitoring Team concluded in a motion to the Court that it could not approve the 2016 Plan because it lacked specific deadlines and details and failed to address several of the Consent Decree’s particular requirements about specific technologies. Dkt. 93. At a status conference in January 2017, the Court instructed the City to develop a more comprehensive Equipment and Resource Plan. The City submitted an updated Plan on April 17, 2017 (“2017 Plan”), attached hereto as Exhibit B. Dkt. 125-1.

The Monitoring Team approved a number of elements of the 2017 Plan but indicated that others needed further work. The Monitoring Team specifically approved parts of the 2017 Plan relating to paragraphs 293(b), (c), and (d) of the Decree – involving upgrades to the Division’s

computer-aided dispatch (“CAD”) platform and to its fleet of patrol vehicles. Critically, the Team did not approve the 2017 Plan with respect to paragraphs 292; 293(a), (e), and (f); 294, and 298 – which relate, broadly, to ensuring a strategic IT governance framework that allows the City and Division to proactively identify emerging and necessary technologies and implement strategic plans to secure them for the Division’s officers. In short, the remaining task of the Decree-required Equipment and Resource Plan was to ensure that the Division can stay up-to-date with technology and emerging technological developments.

Since then, the City has worked with the Department of Justice (“DOJ”) and Monitoring Team to develop an updated Equipment and Resource Plan that fully addresses the deficiencies indicated by the Team in previous motions to the Court. On October 12, 2018, the City submitted the current 2018 Plan to the DOJ and Monitoring Team.

III. STANDARD OF REVIEW

The Monitoring Team’s role is to “assess and report whether the requirements” of the Consent Decree “have been implemented.” Dkt. 7-1 at ¶ 351; *accord id.* ¶ at 352 (requiring the Monitor to “review . . . policies, procedures, practices, training curricula, and programs developed and implemented under” the Decree). The task of the Monitoring Team here is to determine whether the 2018 Equipment and Resource Plan complies with the Consent Decree’s requirements.

IV. ANALYSIS OF THE 2018 EQUIPMENT AND RESOURCE PLAN

The City’s submitted 2018 Plan focuses on the mechanisms and approaches that the Division and City will use, going forward, to ensure that CDP remains up-to-date with respect to technology and equipment. To that end, the 2018 Plan sets forth an IT governance strategy that holds staff accountable for upgrading and maintaining applications, systems, and technology; establishes an oversight committee to continually identify and implement new technologies and

IT investments; modernizes the City's network infrastructure to make access to information easier; plans for specific interventions to improve administrative management performance; and modernizes legacy systems and equipment to ensure that personnel have access to modern systems and real-time data in the field.

The 2018 Plan includes project-specific details and timelines for critical initiatives, including in-field mobile note-taking and data collection, mobile handheld devices and tablets, mobile computer refresh, combined records management system ("RMS") and CAD applications, next-generation updates for in-car and body-worn cameras, and early warning intervention triggers for BlueTeam and IAPro. Some initiatives, including refreshing the inventory of mobile computers, acquiring mobile handheld devices and tablets, and upgrading the City's CAD and RMS platforms, will improve CDP officers' ability to access critical data in the field, thereby enhancing officer safety.

The Plan establishes a dedicated IT Program Manager position who will plan and complete upgrades to the City's IT infrastructure and who will appropriately make decisions to maintain IT applications and to support future strategic goals. The Plan also establishes an executive committee that includes CDP executive personnel to determine major decisions on IT investment and CDP priorities. The committee "must include the input from end-users, [i.e.] Patrol Section Officers who will use the technology in their daily duties[.]" Ex. A. at 8.

Importantly, the Equipment and Resource Plan includes critical project management details, including capital budgets, yearly operating budgets, project scopes, objectives, sponsors, owners, and key activities. These details will not only assist the City to implement these new initiatives, but they also will help to ensure that the City can be held to account for complete and timely implementation of contemplated equipment and resource improvements and the creation of

new strategic approaches to ensuring that the Division remains up-to-date when it comes to the tools and technological platforms that it uses to do its work.

V. CONCLUSION

The task of the Monitoring Team is to duly consider whether the City's submitted Equipment and Resource Plan satisfies the terms of the Consent Decree. The Monitoring Team concludes that the 2018 Plan, when and only when taken together with the previously-approved portions of the 2017 Plan, constitutes a complete and satisfactory Equipment and Resource Plan that meets the terms of the Consent Decree. Accordingly, the Monitoring Team approves the 2018 Plan in its entirety and requests that this Court order it, in concert with the previously-approved portions of the 2017 Plan, effective immediately.

Respectfully submitted,

/s/ Matthew Barge

MATTHEW BARGE
Monitor
40 Washington Square South
New York, New York 10012
Tel: (202) 257-5111
Email: matthew.barge@21cpsolutions.com

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2018, I served the foregoing document entitled Motion to Approve Cleveland Division of Police Equipment & Resource Plan via the court's ECF system to all counsel of record.

/s/ Matthew Barge
MATTHEW BARGE